



**MEETING OF THE
TEXAS WORKFORCE COMMISSION**

DATE

NOVEMBER 10, 2020

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TUESDAY, NOVEMBER 10, 2020

CHAIRMAN DANIEL: All right. Good morning, everyone. This meeting's called to order. Mr. Trobman, has anyone signed up for public comment?

MR. TROBMAN: Morning, Commissioners. No, we have no public commenters this morning. Ms. Miller.

MS. MILLER: Yes, sir.

CHAIRMAN DANIEL: Good morning.

CHAIRMAN DANIEL: Thank you. This brings us to the end of Agenda Items three through seven. Let's pause for a few moments to reset the rest of the meeting.

CHAIRMAN DANIEL: All right. Everybody ready to tackle the rest of this?

COMMISSIONER ALVAREZ: Yes, sir.

CHAIRMAN DANIEL: Perfect. All right. We'll pick back up with Agenda Item eight but staff doesn't have anything to present for Agenda Item eight. So we'll move to Agenda Item nine, discussion, consideration and possible action regarding (unintelligible) public comment (unintelligible) Chapter 806, purchasing from people with disabilities relating to the implementation of Senate Bill 753, 86 Texas Legislature regular session and PPD program improvements.

MR. HOOKS: Morning, Commissioners, Mr. Serna. For the record, this Michael Hooks with the Office of Disability Employment Strategies, VR Division. Today, I bring for your consideration potential action proposed rules for TWC, Chapter 806, purchasing for people with disabilities (unintelligible) to the chapter is to implement Senate Bill 753,

1 86 Texas Legislature, including requirements for community rehabilitation
2 programs or CRPs to pay employees with disabilities minimum wage and submit
3 transition and retention plans to help with this requirement. And to provide
4 program clarification improvement opportunities, including maintaining 75
5 percent of direct labor hours to be contributed by employees with
6 disabilities and allowing the Commission to approve a percentage difference.
7 Seventy-five percent at the time of the CRP's initial certification and
8 subsequent recertification for CRP for reasons including the CRP's proposing
9 to participate in the PPD program to offer competitive, integrative
10 employment opportunities for individuals with disabilities. Staff seeks
11 direction on approval to solicit public comment on the proposed amendments to
12 40 TAC Chapter 806. I'm open to any questions you may have on that.

13 CHAIRMAN DANIEL: Any comments or questions?

14 COMMISSIONER ALVAREZ: None here, Chairman.

15 COMMISSIONER DEMERSON: None.

16 CHAIRMAN DANIEL: Do we have a motion on this issue?

17 COMMISSIONER ALVAREZ: I move that we approve the
18 proposed Chapter 806 rules and the rule review to be posted to the Texas
19 Register as discussed by staff.

20 COMMISSIONER DEMERSON: Second.

21 CHAIRMAN DANIEL: Here moved, second and we're
22 unanimous. Thank you. We'll move to Agenda Item ten, discussion,
23 consideration, possible action regarding the establishment of an information
24 technology (unintelligible) expansion program.

25 MS. ARBOUR: Good morning, Commissioners, Mr. Serna.
Courtney Arbour, Workforce Division. Last week staff brought forward for

1 your consideration, an IT-focused apprenticeship (unintelligible) paper with
2 the use of WIOA dollars. UL had some questions for staff, which we've
3 provided written responses to in the last week. Each of your offices
4 individually received those same responses and I'm here as a resource to
5 clarify any of those questions and answers or provide any other information.

6 CHAIRMAN DANIEL: Any comments or questions?

7 COMMISSIONER ALVAREZ: Chairman, before I make any
8 comments, I'd like to hear from both yourself and Commissioner Demerson, if
9 that's okay, since this item was brought up at my request.

10 CHAIRMAN DANIEL: Commissioner Demerson.

11 COMMISSIONER DEMERSON: Yeah, basically
12 (unintelligible) staff provided answers to a lot of the question that were
13 raised and so, Courtney, thank you guys for getting that (unintelligible) I
14 did not have any additional questions. The only thing that I talked about
15 was the fact the \$4 million, this was the entire \$4 million and I would like
16 to see that reduced from \$4 million to about \$2 million, so at least half of
17 it because we really didn't have funds available from what I've heard. But
18 anyway, the \$2 million allows us to maybe do some other things in response to
19 this pandemic and other things that may be of interest. And so those were
20 the only comments I had. I really did not second the motion because Chairman
21 had questions and I wanted to make sure those questions were (unintelligible)
22 before we took any actions on this item. That's all I have.

23 CHAIRMAN DANIEL: I have one remaining question. It
24 has to do with the purchase of tools. So the answer to that question was
25 still a little bit vague. You used the word hardware in your answer. Does

1 that include computers, computing peripheral equipment. Uh, what would
2 encompass tools in this instance?

3 MS. ARBOUR: Normally, when we develop an RFA
4 similar to this one, we would go back with the office who made the request to
5 clarify but there was an expectation here that we would make some hardware
6 and software available to grantees if they had a stated need.

7 CHAIRMAN DANIEL: But we don't know what that is?

8 MS. ARBOUR: I have not heard from an employer
9 specific to the hardware needs. We know that some of the software-based
10 trainings--or we can assume that with some of the software based trainings,
11 the software will be a key part of the training.

12 CHAIRMAN DANIEL: Okay. Then that's all the
13 questions I have.

14 COMMISSIONER ALVAREZ: Courtney, I have a question
15 for you. Can you tell me how much, for clarification, I know you sent a
16 email out earlier, it wasn't last night, this morning, on how much we have
17 and we owe reserve as of today?

18 MS. ARBOUR: Yes, sir. I sent an email late
19 yesterday afternoon that we were doing a couple of things as requested last
20 week. We've gone back to the workforce boards who have WIOA funding and
21 their cost per might have been lower and in different programs and if they
22 anticipated or the local needs changed and we've identified about \$250,000.
23 That wasn't in the email, Commissioners, I've just learned that this morning.
24 But the boards have identified about \$250,000 in dollars that may go unspent
25 that we could sweep back. But in addition, we worked with finance and looked
back at the funding that was set aside for one of the other Covid-related

1 projects, the skills enhancement project. You all approved funding in a
2 larger amount than what staff were able to negotiate. And so an additional
3 \$4 in WIOA is available to you at this time. So that brings the total to
4 about--about 8.3 in addition to the 250 that wasn't in the email that I
5 mentioned or that I sent you last night.

6 COMMISSIONER ALVAREZ: Thank you, Courtney.

7 CHAIRMAN DANIEL: All right. Additional comments or
8 questions? Do we have a motion on this issue?

9 COMMISSIONER ALVAREZ: Chairman, I have a motion. I
10 move that we approve the statewide initiative as discussed by staff at \$4
11 million for an IT apprenticeship program.

12 CHAIRMAN DANIEL: Is there a second?

13 COMMISSIONER DEMERSON: Chairman, I mean, I think I
14 made comments earlier about the fact of the dollar amount and four million
15 that we have here, Courtney mentioned something about 4 million coming back
16 but again, that was set aside for a skills development fund, related projects
17 as the staff's gone back and said that they--they can't commit those just
18 yet, I believe. But that was a very useful program and it's one that, uh, we
19 put out there that there may be some use there. And so I'm very hesitant to
20 really tap in to those dollars because they were (unintelligible) and we
21 probably have these pandemic-related issues or situations that are there. I
22 think last week when we were talking, Commissioner Alvarez, the \$4 million
23 that would be remaining would pretty much be wiped out, leave us with
24 \$200,000. I think it was \$4.2 million or so. And the new information comes
25 back, I'm not sure, you know, in regards to that. I'd like us to go at half
of that, which allows us to do some other things perhaps, along these lines.

1 CHAIRMAN DANIEL: Okay.

2 COMMISSIONER ALVAREZ: Would you be in agreement to
3 go from \$4 million to \$3 million? I mean, I know you're gonna be meeting
4 with some folks regarding how we can train IT folks.

5 CHAIRMAN DANIEL: Yeah, so \$4 million to \$3 million,
6 Courtney, the remaining money that's coming back, is that the skills
7 development fund that we utilized for--what was that \$4 million for that you--
8 -

9 MS. ARBOUR: That \$4 million that has been
10 identified as available to you was from the online learning. We went
11 (unintelligible) metrics online learning and when you approved that funding,
12 WIOA, not skills development funding, it was WIOA and we called it the Skills
13 Enhancement project. You approved it at \$5.8 million and we were able to get
14 unlimited license and a really good negotiated package at just under 1.8
15 million. So if you've got \$4 million in addition to the 4.3 that we've
16 discussed previously.

17 COMMISSIONER DEMERSON: Okay. That \$4 million, is
18 that for use of statewide initiatives if we come up with other initiatives
19 (unintelligible) okay, \$4 million there. Mr. Alvarez, yeah, down to \$3
20 million would be fine.

21 COMMISSIONER ALVAREZ: Okay. I would be okay with
22 \$3 million.

23 CHAIRMAN DANIEL: Okay. So procedurally, it sounds
24 like we have a motion for \$3 million to implement the staff proposal from
25 last week. I think that's what I just heard. Commissioner Demerson seems

1 inclined to second that but if we could do that for the record, that would be
2 important.

3 COMMISSIONER DEMERSON: Yeah, second that motion.

4 CHAIRMAN DANIEL: So we have a motion before us to
5 implement the staff recommendation from last week at a total of \$3 million
6 rather than \$4 as staff proposed originally. Commissioner Alvarez, I'm
7 assume you're voting aye?

8 COMMISSIONER ALVAREZ: Aye, sir.

9 CHAIRMAN DANIEL: Yeah, Commissioner Demerson?

10 COMMISSIONER DEMERSON: Yeah, I'm in favor of that.

11 CHAIRMAN DANIEL: I, too, would be in favor of that.

12 And so let's move forward on that.

13 COMMISSIONER ALVAREZ: Great.

14 CHAIRMAN DANIEL: Let's move to Agenda Item 11,
15 statewide initiatives but staff doesn't have anything to present there, so
16 we'll move to Agenda Item 12. This is discussion, consideration and possible
17 action regarding guidance on resource utilization and implementation of
18 services and strategies to target disaster relief efforts and public health
19 emergencies and putting those funds with the Department of Labor's disaster
20 dislocated worker grant.

21 MR. SERNA: Courtney? I think we have an update
22 from Courtney Arbour on our activity in that area.

23 MS. ARBOUR: That's correct (unintelligible)
24 Workforce Division. I have some notes here that I'm going to read from.
25 There's a lot of numbers here, so I want to make sure I get them right for
you. I do have an update on the Covid response items that the Commission

1 that have received calls from the call center staff to see if they found
2 these phone calls and the support helpful. We've had 1600 responses
3 (unintelligible) 30 percent of the respondents have said that they've gone
4 back to work but we thought this was an interesting statistic, that of those
5 that have gone back to work, 67 percent of those indicated they've gone back
6 to work with the prior employer. So we appreciated hearing that, that
7 employers are able to bring back many of their past workers. Forty-six
8 percent indicated using work in Texas to look for a job and they've used it
9 to identify jobs in their local areas.

10 Metrics, online learning, I mentioned it a moment
11 ago, we contracted in July with metrics to provide a number of online courses
12 to claimants at no cost to them. We've had 43,770 claimants register to use
13 the system, 31,243 courses have been completed with about 37,000 hours spent.
14 So we are glad to see so many claimants using this no-cost resource right now
15 to increase their skills while they have time to do so. I'm happy to answer
16 any questions about the update.

17 CHAIRMAN DANIEL: Any comments or questions?

18 COMMISSIONER ALVAREZ: None here, Chairman.

19 COMMISSIONER DEMERSON: Courtney, good update. If
20 you have that on paper, I'd love to get a copy of that report. That's good
21 information, love to kind of share that out. Especially what the employers
22 are doing from that standpoint.

23 MS. ARBOUR: Great. I'll send it to each of you
24 now.

25 COMMISSIONER DEMERSON: Thank you.

1 CHAIRMAN DANIEL: Courtney, great. Any additional
2 questions, comments? None? All right. That's it on Agenda Item 12. I know
3 on Agenda Item 13, staff has nothing to report. Let's move to Agenda Items
4 14 and 15 reports. I believe we do have a legislative report today.

5 MR. MCCARTY: Good morning, Mr. Chairman,
6 Commissioner Alvarez, Commissioner Demerson and Mr. Serna. For the record,
7 Tom McCarty, external relations. Yesterday was the first day of pre-filing
8 of legislation for the 87th Texas Legislature. Prefiling will continue until
9 the legislature convenes on Tuesday, January the 12th of 2021 at noon.
10 Yesterday, also the U.S. Senate returned from recess. The Senate has
11 indicated that it will be considering all appropriation titles that can be
12 combined into an omnibus funding bill that will fund the federal government
13 through the end of the fiscal year. The federal government funding currently
14 expires on December the 11th of 2020. The U.S. House remains in recess until
15 next week and this concludes my remarks and I'm happy to answer any questions
16 you may have.

17 CHAIRMAN DANIEL: Right. Questions or comments?

18 COMMISSIONER ALVAREZ: None here, Chairman.

19 COMMISSIONER DEMERSON: None.

20 CHAIRMAN DANIEL: Thank you. Thank you. Mr. Serna,
21 executive director's report today?

22 MR. SERNA: Just one quick note to the
23 Commissioners. Tomorrow is Veterans Day and though the agency, like other
24 governmental organizations, will be closed. Our call centers will be open
25 and taking calls and working to serve our customers. I would like to let the
Commissioners know that we will, in-fact, be closed on Thanksgiving Day and

1 by that, I mean, our call centers. Our call centers will be closed on
2 Thanksgiving Day, on Christmas Day and on the 1st of January to allow our
3 staff and our contract staff to spend time with their families on those three
4 days, those three holidays. Though those state agencies will be closed for
5 longer periods of time, the call centers will only be closed on those single
6 days, Thanksgiving Day, Christmas Day and New Year's Day. So I wanted to let
7 you all know about that. And that's all I have to report.

8 CHAIRMAN DANIEL: Thank you for the update.

9 Questions or comments?

10 COMMISSIONER ALVAREZ: None here, Chairman.

11 COMMISSIONER DEMERSON: Chairman, before
12 (unintelligible) I'd like to ask him if you would have the staff and the team
13 help my office with developing a proposal for future discussion with the
14 Commissioners. It's around the restaurant and food service industry and, you
15 know, you guys know, it's been devastated by Covid-19 and (unintelligible)
16 prior to this pandemic, we had about 50,000 locations, 1.3 million employees
17 in that industry, \$70 billion in annual revenue. So not only from that
18 standpoint, Chairman, your past background, they represent 51 percent of the
19 checks is food dollar supply, you know, state's food supply chain is very
20 important, as well. And so I want to look at some sources of funding to
21 potentially do some things to help them train their labor force while they're
22 adapting to this new model. Governor and that strike force team did what
23 they could and we continue to do what they can for that industry but I want
24 to work with the team to see if there's anything else that we can do as folks
25 start coming back in those areas. Many retrofit their businesses, carry out,
delivery, capacity caps and all those kind of things. Social distancing that

1 we're having to do, as well. And so I want to look at some things there and,
2 Ed, if you allow me to work with the team, I'd very much appreciate that.

3 MR. SERNA: Absolutely, sir. We'll assist in any
4 way that we can in helping those industries. Yes, sir.

5 COMMISSIONER DEMERSON: Thank you.

6 CHAIRMAN DANIEL: All right. Any other questions or
7 comments for Mr. Serna?

8 COMMISSIONER ALVAREZ: None here, Chairman.

9 CHAIRMAN DANIEL: Thank you. Is there any other
10 (unintelligible) come before the Commission today?

11 COMMISSIONER DEMERSON: No, sir.

12 COMMISSIONER ALVAREZ: Chairman, I would just like
13 to say a few things. One, I'd like to acknowledge veteran's observance this
14 week. I want to thank all our boards for putting on a great red, white and
15 you event in our state. Very well received and I know we were all a part of
16 that, so I just wanted to acknowledge it at that time, all boards. I also
17 wanted to thank Tom McCarty and his team for allowing us to get a
18 proclamation from the Governor that I am presenting on behalf of the Governor
19 acknowledging National Apprenticeship week this week. As you know, we were
20 celebrating the festivities this week with various schools and apprenticeship
21 programs around the state and I wanted to present this to Ed so that he could
22 display it there outside of our commission room. So on behalf of the
23 Governor providing this with us, I wanted to thank Tom for getting it for us
24 so that we could go ahead and present it to the agency and to the
25 commissioners.

COMMISSIONER ALVAREZ: Thank you, sir.

1 CHAIRMAN DANIEL: (unintelligible).

2 MR. SERNA: I'm sorry. And also in light of
3 Veteran's Day tomorrow (unintelligible) veterans and we had an opportunity
4 this past week to do--participate in a We Are Vets initiative where we
5 actually were able to recognize through (unintelligible) Community
6 Development Corporation, Amy Madison and that team, the Workforce Solutions
7 area (unintelligible) Tamara and her team and then Bullet Investigations
8 accompanied as well where they had 47.75 percent of their staff that are
9 veterans. And so we're able to honor them along with the Texas Veterans
10 Commission and the ceremony before one of our sessions, our lunchtime live
11 sessions. So hats off to those companies that have ten percent of their
12 workforce that's made up of veterans and that is a nice initiative but it's
13 just a way the employer can make a difference hiring our nation's heroes.
14 And we appreciate all that they're doing in that regard.

15 CHAIRMAN DANIEL: Absolutely. Just through a
16 interesting series of events, I had the opportunity last week to make the
17 acquaintance of a veteran here in Texas who was wounded. Ultimately left the
18 military, has become an entrepreneur and he's got a little business going on.
19 We talked at great length about what it's like to come back, not just from
20 the (unintelligible) areas but to come home wounded and then find a way to
21 find the right kind of job upon leaving the military. And I gained a lot of
22 insight from him. And tomorrow, you know, I think I'll spend a lot of time
23 sort of thinking about, you know, what we can be doing to help ease that
24 transition back into the workforce for the folks that are exiting the
25 military and coming back into the civilian workforce in the state. And so
I'm still thrilled to have an opportunity to talk to him and hear his story.

1 It really helps me do a better job as a commissioner, as well. So tomorrow,
2 as we celebrate Veteran's Day. I'm sure we all have a similar story.
3 There's real folks that we're thinking about and real opportunities for a lot
4 of other veterans that I just haven't had the opportunity to meet yet.

5 MR. SERNA: I look forward to working on your
6 efforts, as well as Commissioner Demerson.

7 CHAIRMAN DANIEL: Absolutely. Thank you, so much.
8 Is there any other (unintelligible) we'd entertain a motion to adjourn if
9 there's no further business.

10 COMMISSIONER ALVAREZ: Chairman, I move that we
11 adjourn.

12 COMMISSIONER DEMERSON: I second the motion.

13 COMMISSIONER ALVAREZ: Seven O'clock tonight.

14 CHAIRMAN DANIEL: Motion seconded to adjourn and we
15 are adjourned.

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